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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,342	01/09/2001	Andrew Rodney Ferlitsch	SLA 0323	8145

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EXAMINER
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NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/757,342	FERLITSCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul Nguyen-Ba	2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Notice to Applicant***

1. In view of the Appeal Brief filed on 9/16/2005, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

2. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. Claims 1-26 are currently pending. Claims 1, 13, 18, 19, 25, and 26 are independent claims.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 7-9, 11-13, 15-22, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitman et al. ("Kreitman"), U.S. Patent No. 5,303,388, in view of Mander et al. ("Mander"), U.S. Patent Application Publication No. 2004/0128277.

**Independent Claim 1**

Kreitman discloses a method for editing computer documents through the use of an icon in a graphical user interface operating on a computing device comprising a display, a processing unit and an input device (see Abstract), said method comprising:

*displaying an icon on said display, wherein said icon represents a document (col. 1, lines 11-17), said icon comprising*

*at least one three-dimensional object image (see Figs. 3-10B), representing at least one document page (col. 3, lines 37-60 → icon depicts an object such as a program, file, or document, etc.), each of said at least one object images having at least one edge (see Figs. 3-10B; col. 4, lines 43-45), and*

*at least one active region on each of said object images, said active region capable of activating a function in response to user input through said input device (col. 6, lines 1-5; see Fig. 7 → "front face" is the active region of the 3D icon); and*

...

Kreitman suggest, but does not explicitly disclose:

*activating a document editing function in response to a user input on said at least one active region* (Abstract; col. 3, lines 37-60).

However, Mander discloses:

*activating a document editing function in response to a user input on said at least one active region* (see Figs. 9a-10b and paras [0025], [0026], [0072-0074], and [0092] → removes/deletes/copies/modifies (*compare with* “editing”) documents via dragging and dropping or activating the relevant icon).

Since the references are from the same field of endeavor, the motivational purpose of a more efficient system and method for organizing information in a computer system as disclosed by Mander would have been recognized in the pertinent art of Kreitman. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman with the teachings of Mander to include *activating a document editing function in response to a user input on said at least one active region*.

### **Claim 3**

Kreitman further discloses the method wherein *said three-dimensional object image comprises a reduced image of said document page* (see Figs. 3-9B; col. 3, lines 45-60 → reduced image corresponds to the type of object being represented by the icon).

**Claims 4, 5, 7, and 15**

Kreitman further discloses the method wherein said three-dimensional object image comprises a page image (i.e. “face” of the icon cube) comprising descriptive portions of said document page and a page image displayable from each object image, said page image displaying recognizable elements of a document page represented by the object image to which said page image is associated (col. 4, lines 14-26 → a face of the icon can comprise a description of the application program used to create the text document represented by the image; the faces of the icon comprise display information about the object, such as its size, its creator, appropriate copyright and patent notices, the last date on which document was modified, etc.).

**Claims 8 and 9**

Kreitman further discloses the method wherein said three-dimensional object image comprises a page image (i.e. “face”) *comprising a document and page property sheet* (col. 4, lines 14-26 → the faces of the icon comprises display information about the object, such as its size, its creator, appropriate copyright and patent notices, the last date on which document was modified, etc.).

**Claims 11, 12, 17, 20, and 21**

Kreitman, in view of Mander, disclose the methods wherein said icon further comprises page scrolling functionality and wherein said icon further comprises the ability to represent a plurality of page ranges with independent scrolling controls (see Mander – paras [0047], [0059], [0088] and corresponding Figures).

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Since the references are from the same field of endeavor, the motivational purpose of a more efficient system and method for organizing information in a computer system as disclosed by Mander would have been recognized in the pertinent art of Kreitman. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman with the teachings of Mander.

**Independent Claims 13, 18, 19, 25, and 26 and Dependent Claim 22**

Kreitman, in view of Mander, disclose the method, apparatus, computer-readable medium, and computer data signal with respect to independent claim 1 above.

Furthermore, Mander also clearly discloses:

*a series of three-dimensional object images having a face and at least one edge, said images being arranged in overlapping, adjacent, successive order wherein portions of each of said edges are visible while said object images are arranged in said order, each of said object images representing a page in a document (see Figs. 2a-5b, 6-13b).*

Since the references are from the same field of endeavor, the motivational purpose of a more efficient system and method for organizing information in a computer system as disclosed by Mander would have been recognized in the pertinent art of Kreitman. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman with the teachings of Mander to include a series of three-dimensional object images having a face and at least one edge, said images being arranged in overlapping, adjacent, successive order wherein portions of each of said edges are visible while said object images are arranged in said order, each of said object images representing a page in a document.

**Claim 16**

Kreitman, in view of Mander, discloses the method of wherein said page images may be dragged and dropped to effectuate document page manipulation functions (see Mander – paras {0051}, [0118], and [0121]).

Since the references are from the same field of endeavor, the motivational purpose of a more efficient system and method for organizing information in a computer system as disclosed by Mander would have been recognized in the pertinent art of Kreitman. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman with the teachings of Mander.

6. Claims 2, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitman et al. (“Kreitman”), in view of Mander et al. (“Mander”), U.S. Patent Application Publication No. 2004/0128277, U.S. Patent No. 5,303,388, in further view of Hahn et al. (“Hahn”), U.S. Patent No. 5,751,287.

**Claims 2 and 14**

Kreitman, in view of Mander, discloses the method of using a menu bar capable of activating a function in response to user input (col. 4, lines 51-66 *et seq.*) with respect to claim 1 discussed above, but does not specifically disclose the method wherein said icon further



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comprises at least one tab having at least one active tab region capable of activating a function in response to user input through said input device.

However, Hahn discloses folder documents with icons comprising label tabs having at least one active tab region capable of activating a function in response to user input through said input device (see Abstract and Figs. 10-12B) for the purpose of providing a graphical user interface that presents the user with an easy and efficient system for manipulating and organizing documents in a computer system (col. 2, lines 43-45).

Since the references are from the same field of endeavor, the purposes disclosed by Hahn would have been recognized in the pertinent art of Kreitman-Mander. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman-Mander with the teachings of Hahn to include label tabs having at least one active tab region capable of activating a function in response to user input through said input device for the purpose of providing a graphical user interface that presents the user with an easy and efficient system for manipulating and organizing documents in a computer system.

#### **Claim 10**

Kreitman, in view of Mander, discloses the method for manipulating computer documents through the use of an icon in a graphical user interface with respect to claim 1 discussed above, but does not specifically disclose method wherein said icon further comprises a print setting sheet.

However, Hahn discloses a print setting sheet (see Figs. 13A and 13B; col. 10, lines 7-34) for the purpose of providing a graphical user interface that presents the user with an easy and efficient system for printing documents in a computer system.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman with the teachings of Hahn to include a print setting sheet (see Figs. 13A and 13B; col. 10, lines 7-34) for the purpose of providing a graphical user interface that presents the user with an easy and efficient system for printing documents in a computer system.

7. Claim 6, 23, and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitman et al. ("Kreitman"), U.S. Patent No. 5,303,388, in view of Mander et al. ("Mander"), U.S. Patent Application Publication No. 2004/0128277, in further view of Microsoft® Windows NT, version 4.0 ("Microsoft"), © 1981-1999 Microsoft Corp.

**Claim 6, 23, and 24**

Kreitman, in view of Mander, further discloses the method as discussed with respect to independent claim 19 wherein said three-dimensional object image comprises a page image (i.e. "face") *comprising a document and page property sheet* (col. 4, lines 14-26 → the faces of the icon comprises display information about the object, such as its size, its creator, appropriate

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copyright and patent notices, the last date on which document was modified, etc.), but does not specifically disclose a summary of information contained on said document page.

However, Microsoft discloses a summary of information contained on a document page (pg. 4) for the purpose of providing a graphical user interface that presents the user with an easy and efficient system for accessing information regarding documents in a computer system.

Since the references are all from the same field of endeavor, the purposes disclosed by Microsoft would have been recognized in the pertinent art of Kreitman-Mander. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Kreitman-Mander with the teachings of Microsoft to include a summary of information contained on a document page (pg. 4) for the purpose of providing a graphical user interface that presents the user with an easy and efficient system for accessing information regarding documents in a computer system.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims filed on 9/16/2005 have been considered but are moot in view of the new ground of rejection.

***Conclusion***

9. The prior art made of record on form PT0-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

*William F. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*11/26/2005*